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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,567	02/19/2002	Satoshi Takahashi	500.41211X00	1289

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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,567	TAKAHASHI, SATOSHI	
	Examiner	Art Unit	
	Charles Appiah	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 15-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-14, Group I in the reply filed on 16 December 2004 is acknowledged. Claims 15-20 are withdrawn from consideration on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Keskitalo et al. (5,930,684)**.

Regarding claims 1 and 8 Keskitalo discloses a radio communication apparatus comprising an antenna for transmitting and receiving a signal to/from a terminal (see antenna on base station 10 for exchanging signals with terminal equipments 11a-11d), an inherent demodulator for demodulating the signal received by the antenna as well as a terminal identification equipment for identifying information inherent to the terminal according to the signal demodulated (feature of mobile signaling mobile station during call establishment of its priority, see col. 4, lines 1-18), it is inherent that the base station has to demodulate any signal received in order to identify the source of the signal as well as well information contained in the signal. Keskitalo further discloses priority control equipment for receiving a condition requested by a user

of the terminal according to the information inherently identified by the terminal identification equipment (feature of base station taking into account the priority of the call as signaled by the mobile station, see col. 4, lines 15-21), wherein the signal transmitted via the antenna to the terminal is based on condition received by the priority control equipment (base station transmitting power control message to the prioritized connection by adding, if necessary, for example, some constant value to the power value counted for a normal connection, see col. 4, lines 21-40).

Regarding claims 2 and 9, Keskitalo further discloses wherein the radio communication apparatus decides a density of power received by the terminal according to a communication state of the terminal, allocates a signal to a time-divided packet slot, and transmits the signal to the terminal (feature of implementing the cellular network system such as the GSM, using TDMA multiple access method when applied in connection with a call set-up message, see col. 4, lines 63-67).

Regarding claims 3 and 10, Keskitalo further discloses wherein the antenna inherently controls radio wave interference (feature of quality of connection of prioritized call being better than that of other calls of the cell, (see col. 4, lines 57-62), it is inherent that radio wave interference is controlled for better signal quality, the condition is a condition related to the density of power received by the terminal (level of transmit power used in the prioritized call depending on the level of the prioritized call, col. 2, lines 28-46), and the radio communication apparatus further comprises a transmission power control equipment for controlling power transmitted from the radio communication

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apparatus (base station transmitting power control commands such as power control message to the prioritized call, see col. 4, lines 15-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Keskitalo et al. (5,930,684)** and further in view of **Bender (6,377,814)**.

Regarding claims 4 and 11, Keskitalo meet all limitations as applied to claims 3 and 10 above. Keskitalo fails to explicitly teach a signal transmission rate decision equipment or means for changing a transmission rate of the signal transmitted under the communication condition.

In an analogous field of endeavor, Bender discloses a method for supervising transmit power in a high data rate wireless communication system in which each access terminal generates data rate control (DRC) values, wherein the DRC values vary according to carrier-to-interference (C/I) measurements (see col. 3, lines 19-47 and col. 5, lines 21-44). According to Bender, the wireless network controls supervision time by maintaining a minimum data frame transmission rate to each access terminal which allows for quick reclaiming and reuse of traffic resources by the base station (see col. 3, line 48 to col. 4, line 12).

It would therefore have been obvious to one of ordinary skill in the art, to combine the adaptive transmission data rate system of Bender with Keskitalo's system for the benefit of ensuring network control of supervision time in order to allow for quick reclaiming and reuse of traffic resources as taught by Bender.

Regarding claims 5 and 12, Keskitalo inherently teaches wherein the information inherent to the terminal is a device number (feature of base station taking into account the priority of the call as signaled by the mobile station, see col. 4, lines 15-21). It is inherent that the mobile terminals signals to the base station must contain the mobile's identity data or number. Keskitalo further discloses that the condition is decided corresponding inherently to the device number (feature of base station taking into account the priority of the call as signaled by the mobile station, see col. 4, lines 15-21).

Regarding claims 6 and 13, Keskitalo as modified by Bender further discloses wherein the communication state is related to the carrier-to-interference-ratio (C/I), as taught by Bender (see col. 5, lines 21-35).

Regarding claims 7 and 14, the combination of Keskitalo and Bender further teaches wherein the radio communication apparatus is a radio communication apparatus utilized for a connection with a high data rate mobile telephone as taught by Bender (see title, abstract, col. 3, lines 19-25 and col. 4, lines 55-67).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Agrawal et al. (6,072,784) discloses a method for scheduling priorities based on power level in a CDMA wireless communication system.

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Solondz (6,192,248) discloses a system for customizing service in a wireless communication system.

Jordan et al. (6,397,061) discloses an apparatus to reprioritize data transfer in an ad hoc network.

Wheatley, III et al. (6,850,499) discloses power control in a variable data rate transmission communication system.

Bark et al. (6,628,956) discloses an adaptive power control based on traffic conditions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 571-272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHARLES APPIAH
PRIMARY EXAMINER